

Introduced By: _____
Introduced On: _____

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 115-160 OF THE CODE OF
SUSSEX COUNTY WITH RESPECT TO ILLEGAL SIGNS**

WHEREAS, the County has seen a proliferation of signs being placed along and adjacent to the roadways of Sussex County in violation of the current sign ordinance; and

WHEREAS, the present Code does not allow for an efficient way to remove said signs; and

WHEREAS, the County wishes to allow for a mechanism for the immediate removal of an illegal sign by its inspectors and constables.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 115-160 (I) is hereby amended by deleting the wording enclosed in brackets and deleting the wording indicated by underlining in Sections 1 and 2, as follows:

Section 1: In accordance with the implementation schedule contained in Section 2 hereof, [T]the Director shall remove or cause to be removed, at the owner's expense, any sign erected or maintained in conflict with these regulations [if the owner or lessee of either the site or sign fails to correct the violation within 30 days after receiving written notice of violation from

the Director]. Removal of a sign by the Director or his designee shall not affect any legal proceeding instituted against the violator prior to removal of such sign.

Section [3]2: This Ordinance shall take effect immediately upon its adoption by majority vote of members of the County Council of Sussex County; provided, however, that enforcement of the ordinance shall be implemented over a period of 180 days, as follows:

A. During the first 30 days following enactment, violators and persons whose businesses are being advertised by the illegal signs will, to the extent the County is able to determine their current mailing addresses, receive a letter from the County, enclosing a copy of this ordinance and advising them of the penalties for placing or authorizing the placement of illegal signs within areas where the County has zoning jurisdiction. The public at large will be notified of the enactment of this ordinance by its placement on the County website and by a press release explaining the adoption of the ordinance and encouraging voluntary compliance with its terms and conditions;

B. During the 150 days following the 30 day period described in Subsection A, illegal signs will be removed and

retained for retrieval by violators and/or persons whose businesses are being advertised by such signs, but no removal fees will be levied. During the 150 day period, signs may be retrieved from the County Constable's Office by the payment of a retrieval fee of Fifteen Dollars (\$15.00) payable to Sussex County.

C. Beginning 180 days following enactment, the County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a removal fee of Twenty-Five Dollars (\$25.00) per sign from the owner of an illegal sign or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign or from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign.

SYNOPSIS: The Ordinance, in its current form, requires 30 days written notice to the owner of an illegal sign or an owner or lessee of property on which an illegal sign has been placed, before being able to remove it. The provisions of revised Section 2 provide a 180 day period of phased implementation before the ordinance will be fully enforced according to its terms. The first 30 days is a period during which the County will notify the public and violators of the terms of the Ordinance and how it will be enforced. During the following 150 day period, the County will remove and retain illegal signs and allow them to be retrieved in return for the payment of a \$15.00 retrieval fee. Beginning 180 days following adoption, the County will collect a removal fee of \$25.00 per sign, the County will be free to dispose of all removed illegal signs.